

Testimony  
Of  
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U.S. Conference of Catholic Bishops  
On  
Refugees from Burma  
before  
The  
House International Relations Subcommittee on Africa, Global  
Rights, and International Operations  
  
House International Relations Subcommittee on  
Asia and the Pacific

February 7, 2006

I am Anastasia Brown, director of Refugee Programs for Migration and Refugee Services of the U.S. Conference of Catholic Bishops (MRS/USCCB). MRS/USCCB is the largest refugee resettlement agency in the United States. Working with over 100 Catholic dioceses across the nation, we provide resettlement assistance to approximately 15,000 to 20,000 refugees each year, helping them with job placement, housing, and other forms of assistance to ensure their early self-sufficiency.

I would like to thank Subcommittee Chairmen Christopher Smith and Jim Leach, as well as Ranking Members Donald Payne and Eni Faleomavaega for the invitation to speak to you today about the plight of Burmese refugees in Southeast Asia. MRS/USCCB has traveled to Thailand, Malaysia, and India in the past several years to assess the situation of Burmese refugees. Indeed, I just returned this past weekend from Thailand, where I was able to view the Burmese refugee situation first-hand.

As we have heard today, the military junta in Burma continues to persecute religious and ethnic minorities and drive them from their homelands. Many of the refugees we have visited have lived in camps or other urban settings for as long as twenty years, while many of the child refugees we met know only the camps and are not afforded the opportunity to extend their educations or live a normal life. We strongly believe that the international community, including the United States, should work toward a durable solution for this population, including the resettlement of a large portion to third countries.

Today I recommend four steps that the United States should take to address the needs of the Burmese refugee population so that durable solutions can be found to their plight:

- The United States should move to consider the Burmese refugee population beyond those already being considered for possible resettlement and should establish the necessary infrastructure to accomplish this objective. Such a plan should include a group waiver to the “material support” bar to admissibility for Burmese refugees;
- The Administration and Congress should move immediately to correct the damage caused by recent changes in law relating to material support. These changes were ill-considered. Moreover, they can be interpreted in an overly-broad manner, resulting in the possible denial of refugee protection to many deserving, bona fide refugees, including refugees fleeing persecution in Burma.
- The United States should continue and increase humanitarian assistance to Burmese refugee populations in Thailand, Malaysia, Bangladesh, and India, and;
- The United States government should pay special attention to the large number of Burmese unaccompanied refugee minors and help provide them educational support and possible resettlement.

## **Burmese Refugees in Southeast Asia**

While I will focus my testimony today primarily on Burmese refugees in Thailand, I think it is important to note the entire population of uprooted Burmese, which stands at an estimated 1.5 million. Of that total, as many as 800,000 are internally displaced within Burma while about 700,000 are refugees located in neighboring countries. Thailand hosts the largest population of Burmese refugees and asylum seekers and I will speak more about those shortly.

Of the neighboring countries, Bangladesh hosts about 150,000 Burmese refugees, mostly ethnic Rohingya. Of those, only 20,000 are in the two camps operated by the United Nation's High Commissioner for Refugees (UNHCR), while the rest are outside the camps with no official status and living in difficult conditions. About 60,000 ethnic Chin from Burma live in Mizoram State, in the eastern half of India. India considers this population to be illegal and will not grant UNHCR access to them. Smaller number of Burmese Chin and other ethnic minorities live as urban refugees in New Delhi and are extremely marginalized and vulnerable. MRS/USCCB and other refugee organizations have long advocated for the resettlement of the Burmese in New Delhi, but with no success.

An estimated 25,000 Burmese refugees and asylum-seekers, mostly ethnic Chin and Rohingya, live in Malaysia, and they, too, live in extremely difficult conditions. While the United States has committed to resettling several thousand Chin from Malaysia, those plans are now in jeopardy because of an issue which I will discuss in more detail later—the “material support to terrorists” ground of inadmissibility. Finally, several thousand Burmese are seeking asylum in countries outside the region, including the United States and other industrialized countries. While the United States has traditionally granted protection to significant numbers of Burmese each year through our asylum system, our continued ability to do so is also threatened by the issue of material support and by new asylum standards established by the REAL ID Act of 2005.

As I stated, Thailand hosts the majority of Burmese refugees. According to recent statistics, more than 450,000 refugees and asylum-seekers reside in Thailand. Of those, 142,917 live in 9 camps along the Thai-Burma border, most of which are of the Karen and Karenni ethnic groups. According to UNHCR, 100,840 refugees in the camps are registered and 36,874 unregistered, which means that the Thai government does not “officially” recognize these refugees.<sup>1</sup> This includes about 8,000 unaccompanied minors living in camps, a group that I will discuss in greater detail later. There are also an estimated 200,000 ethnic Shan refugees living in Thailand with no legal protection and no access to the camps. The remainder of refugees in Thailand are Karen/Karenni refugees living outside camps in various rural and urban settings.

## **The Option of Third Country Resettlement for Burmese refugees**

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<sup>1</sup> Registration is an important element of refugee protection in Thailand, as it allows refugees legal protection and the right to remain in the country. In addition, it allows for an exit permit to be granted if a refugee is invited to resettle in a third country.

There are three durable solutions for refugees in the world: 1). repatriation to their home at such time as it is safe to return; 2). permanent resettlement in the country of first asylum; and 3). resettlement to a third country. Because of the ongoing civil war in Burma, which has lasted for over twenty years, it is highly unlikely that a large scale repatriation will occur in the near future. For political and economic reasons, the Thai government, as well as the governments of other neighboring countries, has been unwilling to permanently accept the Burmese refugee population. The only real solution to the plight of many of the Burmese refugees is resettlement to a third country, such as the United States. This option would provide them an opportunity to start their lives and the lives of their families anew.

The Thai government has recently shown a willingness to consider third country resettlement for the Burmese refugee population in their country. The United States government, through the Office of Population, Refugees, and Migration (PRM), has recognized that repatriation to Burma and permanent resettlement in Thailand are not possible at this time and has agreed to consider for resettlement approximately 9,463 refugees in Tham Hin camp west of Bangkok. These refugees could be resettled in the United States during the current fiscal year. However, current law prohibits the admission of anyone to the United States who may have provided “material support,” to what the United States considers a terrorist organization. The government’s overly broad interpretation of this law is likely to bar the admission of most of the Burmese refugees currently being considered for resettlement, even though these refugees are not terrorists and are in fact victims of a brutal regime who urgently require protection.

### ***The Issue of Material Support***

The Immigration and Nationality Act (INA) prohibits granting refugee status to anyone who is a terrorist or supports terrorist activity. This prohibition is needed to ensure national security and to prevent the extension of refugee protection to those who are undeserving of protection.

However, recent legislation, including the USA Patriot Act and the REAL ID Act, expanded and broadened this law in ways that have had an unintended, negative impact on bona fide refugees. For example, the USA Patriot Act expanded the reach of the terrorism definition by broadening grounds of inadmissibility to anyone who provides “material support” to groups which engage in “terrorist activity,” which includes any use of a weapon or “dangerous device” with the intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property, for any motive other than “mere personal monetary gain.” Moreover, the REAL ID Act expanded the definition of “non-designated” terrorist organization to include a “group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in “any form of terrorist activity.”

These changes were ostensibly designed to protect the United States from genuine terrorist threats. However, they have had the effect of excluding from U.S. protection refugees and asylum-seekers who have been victims of terrorism or brutal regimes. Many Burmese refugees who have fled religious persecution have been impacted by the Administration’s delay in interpreting this law because they may have contributed to ethnic or religious organizations that may be associated with sub-groups that oppose the repressive Burmese authorities. While these

parent groups and sub-groups have not been designated by the State Department as foreign terrorist organizations, the activities of certain sub-groups that advocate the overthrow of the military rulers of Burma may be construed as a “terrorist activity” under the broadly interpreted provisions from the REAL ID Act. Furthermore, the law, broadly interpreted, would provide no exception to the bar for refugees who may have provided assistance against their will, or under “duress.”

This bar to admissibility is having a profound impact on the Burmese refugee population as a whole. As previously mentioned, the UNHCR referred to the United States 9,463 ethnic Karen refugees from Burma currently located in Tham Hin refugee camp in Burma. In addition, the UNHCR in Malaysia has referred 3,000 ethnic Chin refugees living in Malaysia to the United States. The resettlement of these groups is in jeopardy, pending the release of guidance by the Department of Homeland Security regarding the interpretation and implementation of the definitions in the PATRIOT and REAL ID Acts.

As written, the law is so broad as to include any individual who provides as little as a glass of water, a bowl of rice, or a place to sleep to a member of an organization involved in the defense of that individual against a regime which is actively involved in ethnic cleansing. In one case, a woman who offered two tins of rice to the resistance army and who lost her husband in the conflict and was systematically raped by the Burmese army would be excluded under this provision. There are other compelling cases which demonstrate that the material support bar should not apply to this vulnerable population.

From our perspective, the material support bar should not apply to the situation of the Burmese refugees. We therefore ask Congress to support efforts within the Department of State and the Department of Homeland Security to implement a mechanism that would allow deserving Burmese refugee resettlement in the United States. In order to solve this problem without changing existing law, DHS should develop a legal interpretation of “material support” which is in line with a plain reading of the statute and exclude actions which are made under duress or could not constitute support because payments were insignificant. DHS also should quickly establish a process for facilitating the admission of refugees and for granting asylum where the circumstances under which the alleged support was provided was involuntary, inadvertent, or otherwise excusable—such as when the support is provided to a group that is not designated as a terrorist group and is in fact engaged in protecting the victims of a brutal and repressive regime.

We urge a “group” waiver for the Burmese refugee population, as allowed under the law. Further, we urge Congress to revisit the law and adjust the material support provisions in the REAL ID Act and the PATRIOT Act to minimize the impact to bona fide refugee groups around the world.

Mr. Chairman, with your permission I would like to submit for the record principles developed by Refugee Council USA, the nation’s leading coalition of refugee resettlement, human rights, and humanitarian organizations, which we believe should govern DHS interpretation of the material support law.

## **Humanitarian Assistance to Burmese refugees**

As noted earlier, approximately 145,000 refugees from Burma live in nine camps along the Thai-Burma border. The residents of the camps are primarily ethnic minorities from Burma--mostly Karen and Karenni. The Thai government permits international organizations to provide assistance in the camps. While UNHCR is allowed a limited protection role, UNHCR does not run any of the camps or any of the assistance programs. Some of the refugees have lived in the camps for more than 20 years. Thus, a generation of Burmese has been born and raised in the camps, never having seen their homeland. They are now joining their parents as adult refugees living in squalor, with no hope in sight for return to Burma.

Much of the assistance in the camps is provided by a coalition of nongovernmental organizations known as the Thailand Burma Border Consortium (TBBC). The U.S. government is a major donor to the TBBC and also provides funding directly to a number of relief agencies. The assistance provided to the refugees includes food rations (primarily rice, salt, and fish paste); supplementary feeding for vulnerable groups; primary health care; water and sanitation; building materials; blankets and sleeping mats; cooking utensils and fuel; clothing; education services and supplies; health worker training; and other capacity-building initiatives for local community based organizations. Many relief agencies are also involved in refugee protection and advocacy.

Since the beginning of their work on the border, most of the relief agencies have been committed to providing levels of assistance to the refugees that are consistent with the living standards of local communities, both to avoid conflict with local communities and to help prepare for the refugees' eventual voluntary return to Burma. They keep relief assistance to a minimum in order to respect cultural identity, promote self-sufficiency, and minimize aid-dependency. Much of the assistance is provided through representative refugee relief committees in order to ensure coordination, avoid duplication, and enhance the capacity of community leadership structures.

Although Thailand initially allowed the refugees some movement outside of the camps, for the past decade the Thai government has allowed virtually no such movement and has not permitted the refugees to work in Thailand or to rent land to grow crops. Refugees who complete their course of education in the camps are left with no prospects for work or for further education.

Although the Thai government formerly permitted some Burmese refugees and asylum seekers--mostly Democracy activists--to live in Bangkok, in the past few years the government has required all such individuals to move to the border camps or face potential forced return to Burma. The movement of these urban refugees to the camps for the ethnic minorities has posed a number of challenges for both protection and assistance.

In recent years, as the prospects for the refugees' return to Burma have grown increasingly dim, the assistance organizations and UNHCR have been dialoguing with the Thai government on ways to improve the refugees' standard of living through such initiatives as income-generation projects. Thailand has recently become amenable to such initiatives, on a limited basis, and many relief groups and refugee advocates are now sensing a window of opportunity for real improvement in the refugees' living conditions. However, such initiatives will be threatened if

sufficient funding is not available. Currently, the TBBC is experiencing a funding shortfall that may cause cutbacks in even basic relief supplies, while some relief groups report that their income-generation and other capacity-building initiatives may be in jeopardy. It would indeed be a shame if at this point in time, when after so many years Thailand has begun to consider easing up on some of the restrictions placed on the refugees, if the assistance community had insufficient resources to respond to this opportunity.

Finally, humanitarian assistance to ethnic Chin in Malaysia is miniscule, if not nonexistent in some circumstances. It is difficult to identify funding for this group, even for small projects to assist them in their struggle to survive.

We therefore urge significant increases in funding for U.S. refugee assistance programs, primarily through the Migration and Refugee Assistance (MRA) account administered by the State Department's refugee bureau. In his recent budget submission for Fiscal Year 2007, President Bush has requested \$834 million for the MRA account. Refugee Council USA, of which MRS/USCCB is a member, believes this amount is insufficient to meet humanitarian assistance needs around the globe. We ask for an appropriation of \$ 1.2 billion for fiscal year 2007 for the MRA account, with \$780 million designated for overseas refugee assistance. We also urge sufficient funding for programs of the U.S. Agency for International Development that assist refugees and internally displaced persons.

### **The Plight of Burmese Unaccompanied Refugee Minors**

Within the Burmese refugee population are thousands of unaccompanied refugee minors (URMs). URMs are defined as children who are not currently living with their parents or primary care givers when they became refugees. In reality, these children have lost their parents, some of whom have been killed in the conflict. These children have languished in camps for years and have no access to education beyond the tenth grade. They have little hope for their future and face the prospect of living in refugee camps most of their lives.

According to the UNHCR, there are approximately 8,000 Burmese unaccompanied refugee minors in Thailand and an untold number in Malaysia. In Thailand, these children live in the border camps in a variety of arrangements, including in boarding houses, with blood relatives, with non relative foster care families, or on their own.

In Malaysia, a smaller number of Burmese URMS of teenage age live in the jungles outside Kuala Lumpur. These teenage boys eke out an existence by working at local construction sites or in other menial jobs. They have no access to education and no future other than what they currently know.

MRS/USCCB believes that URMs are particularly vulnerable and, under certain circumstances, should be given the opportunity to escape the imprisonment of refugee camps and start a new life in a new country. Burmese URMS, many whom know only life in a refugee camp, should be considered for resettlement in the United States. In order to achieve this end, we make the following recommendations:

- Child welfare experts should be deployed to camps in Thailand to assist in the development and implementation of protocols for serving URM, including conducting more comprehensive and ongoing best interest determinations (BIDs) and establishing oversight mechanisms to ensure appropriate child welfare conditions in the camps;
- Active tracing efforts should be ongoing within Thailand, including in the camps and in major urban areas;
- For URM whose BIDs indicate such, resettlement should be pursued expeditiously;
- UNHCR should ensure that no URM are living in the camps without proper adult guardianship. UNHCR, with U.S. assistance, should develop educational programs to allow young boys and girls to continue their education;
- In Malaysia, UNHCR should deploy child welfare experts to make BIDs for ethnic Chin teenage boys living in the Malaysian jungle.

## **Conclusion**

Mr. Chairman, it is clear that the Burmese refugees in Southeast Asia are in need of a durable solution.

For the past two decades, the military regime in Burma has targeted ethnic minorities with policies of ethnic cleansing and eradication of religious minorities. Entire villages have been displaced from their land and churches have been destroyed. Persons have been forced into slave labor, conscription, and have experienced torture and systematic rape. The ethnic minorities have struggled with this regime of terror and have by necessity formed their own defense systems, which include armed resistance. We should take note that the current regime in Burma seized power from a democratically-elected government, and has held the elected leader under house arrest for many years.

Disturbingly, these refugees look to the United States as supportive of their struggle for human rights and democracy. At a time in which President Bush has called for the spread of democracy against oppressive regimes, it is ironic that we would exclude vulnerable refugees who struggle for democracy in their land against an oppressive regime.

Mr. Chairman, we ask you and the committee to strongly consider our recommendations to assist this vulnerable population. With U.S. leadership, we can improve the lives of these suffering people and grant them hope for the future.